

**COMMONWEALTH OF MASSACHUSETTS**  
**State Building Code (780 CMR) Appeals Board**  
**Board's Ruling on Appeal<sup>1</sup>**

**Docket No. 09-722**

Appellant(s): Glen Ryan

vs.

Appellee(s): City of Boston

Representing the owner: Marilyn Morrissey

Marc Joseph

**Procedural History**

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from the 7<sup>th</sup> Edition 780 CMR 5311.5.4 for 246 Larmartine Street, Boston, MA in accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4. The Board convened a public hearing on March 24, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared and testified for the hearing.

**Discussion**

A motion was made to grant the Appellant's request for a variance from the 7<sup>th</sup> Edition of 780 CMR 5311.5.4 based on the exhibits and testimony that was presented which noted that the proposed exterior spiral stairway, which exceeds the 12-foot height limitation, will provide a second egress for the third floor unit in this existing building. It was noted that the building inspector was not in opposition to this variance. There was a second on the motion and a board vote was taken, which was unanimous.

**Conclusion**

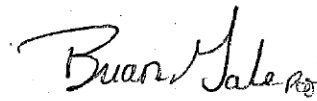
**The Appellant's request for a variance from the 7<sup>th</sup> Edition 780 CMR 5311.5.4 is hereby granted as described in the discussion above and so ordered<sup>2</sup> on this date: March 24, 2009.**



Douglas Semple



Jacob Nunnemacher



Brian Gale

<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

<sup>2</sup> In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.